

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, May 15, 2013, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Leirion Gaylor Baird, Michael Cornelius, Tracy Corr, Chris Hove, Jeanelle Lust, Dennis Scheer and Ken Weber (Lynn Sunderman absent); Marvin Krout, Steve Henrichsen, Brian Will, Tom Cajka, Sara Hartzell, Mike Brienzo, Christy Eichorn, Paul Barnes, Dave Cary, Brandon Garrett, Ed Zimmer, Stacey Groshong Hageman, Teresa McKinstry and Michele Abendroth of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair Michael Cornelius called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Cornelius noted that Gaylor Baird was recently elected to the City Council and thanked her for her time on the Planning Commission. Today will be her last meeting as a Planning Commissioner.

Cornelius then requested a motion approving the minutes for the regular meeting held May 1, 2013. Motion for approval made by Lust, seconded by Scheer and carried 7-0: Gaylor Baird, Cornelius, Corr, Hove, Lust, Scheer and Weber voting 'yes'; Sunderman absent.

Cornelius then called for nominations for Vice-Chair to fill the unexpired term of Wendy Francis until August, 2013.

Gaylor Baird nominated Lust. She stated that Lust is the most senior member of Planning Commission. She was here for all the Comprehensive Plan work. She is incredibly articulate and would be a good choice. There were no other nominations. Jeanelle Lust was elected Vice-Chair by a vote of 6-0: Gaylor Baird, Cornelius, Corr, Hove, Scheer and Weber voting 'yes'; Lust abstaining; Sunderman absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

May 15, 2013

Members present: Gaylor Baird, Cornelius, Corr, Hove, Lust, Scheer and Weber; Sunderman absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 12017 and COUNTY SPECIAL PERMIT NO. 198A.**

Ex Parte Communications: None

Scheer moved approval of the Consent Agenda, seconded by Weber and carried 7-0: Gaylor Baird, Cornelius, Corr, Hove, Lust, Scheer and Weber; Sunderman absent.

Note: This is final action on County Special Permit No. 198A, unless appealed to the Lancaster County Board by filing a letter of appeal with the County Clerk within 14 days.

There were no requests for deferral.

COMPREHENSIVE PLAN CONFORMANCE NO. 13002
TO REVIEW THE DRAFT FY2014-2017 TRANSPORTATION IMPROVEMENT
PROGRAM (TIP) FOR THE LINCOLN METROPOLITAN PLANNING ORGANIZATION
(MPO) AS TO CONFORMANCE WITH THE MPO LONG RANGE TRANSPORTATION
PLAN

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 15, 2013

Members present: Gaylor Baird, Cornelius, Corr, Hove, Lust, Scheer and Weber; Sunderman absent.

Staff recommendation: Conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff presentation: **Mike Brienzo of Planning staff** explained that he is asking for comments and a recommendation to take to the Technical and Officials Committee. The projects are supported with federal funds. The document is financially constrained. Funding has been identified. Federal funding is attached at this time. Every project that takes federal funding will be referred to the Transportation Improvement Program. This is an implementation program. He is asking for review as to conformance. He received three public comments. All comments taken will become part of the document.

Lust was interested with page C2 that talks about sidewalk maintenance and repair. There was no specific analysis about funding. Brienzo answered that this is a reflection

of the capital improvements for the City. Actual identification of repairs is taken up on a year to year basis. This is an ongoing program.

Lust stated that going through the Comprehensive Plan process, they were given a lot of information. She would like more information on how this is generally in conformance at that funding level. Brienzo replied this is a specific program for sidewalk maintenance. This doesn't reflect all the funds.

Lust stated as she understands it, only the current year is budgeted. Brienzo stated that it is not necessarily funded after the current year. This reflects the City Capital Improvement Program. The document assumes these programs will be maintained every year. It is fiscally restrained. You can't add funds that aren't available.

Pat Stear, 2812 T Street, would like to know if there are plans for more bus shelters in this program. On Vine St. in the Hartley neighborhood, she is sad to see students wait with no bench or shelter. She wants the City to be aware of this.

There was no testimony in opposition.

Staff questions

Cornelius questioned if there is anything that can be done about bus shelters. Brienzo replied that \$40,000.00 is noted under traffic enhancements for improvements. Eighty percent comes from federal funds. This money is for a number of items, shelters is one of those. Items can be added as needed. The need for a bus shelter would be determined by a site inspection by StarTran.

Cornelius wondered if there is a trigger for requesting a shelter. Brienzo replied that this coming year, staff is going to initiate an updated Transportation Development Plan. The current plan is three to four years old. At the time the plan is updated will be a good time to identify needs. There will be public meetings and announcements.

ACTION BY PLANNING COMMISSION:

May 15, 2013

Motion for general conformance made by Gaylor Baird, seconded by Scheer.

Lust stated that it is concerning to her that we have adopted a Comprehensive Plan that calls for compact growth, but we continue to underfund sidewalk needs in the City. She is happy to see there is more funding in future years, but wants to remind the City Council.

Cornelius agreed with Lust .

Motion for a finding of general conformance with the 2040 Lincoln MPO Long Range Transportation Plan carried 7-0: Gaylor Baird, Cornelius, Corr, Hove, Lust, Scheer and Weber voting 'yes'; Sunderman absent.

CHANGE OF ZONE NO. 13009

CAMPBELL'S NURSERY PLANNED UNIT DEVELOPMENT, FROM R-2 RESIDENTIAL DISTRICT TO 0-3 OFFICE PARK PUD, ON PROPERTY GENERALLY LOCATED EAST OF THE INTERSECTION OF S. 40TH STREET AND LAKE STREET
PUBLIC HEARING BEFORE PLANNING COMMISSION: May 15, 2013

Members present: Gaylor Baird, Cornelius, Corr, Hove, Lust, Scheer and Weber; Sunderman absent.

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

Staff presentation: **Brian Will of Planning staff** stated that everyone is probably familiar with Campbell's Nursery site at 40th St. and Lake St. The PUD is a conceptual plan at this point. The site plan we have today essentially shows a conceptual layout of three lots. Approval of the conceptual plan identifies future access points and approves a development plan which identifies uses. The height and area regulations can be adjusted. The development plan shows height and area adjustments, as well as allowed uses. Setbacks are internal to the development. The internal lot lines have been reduced to zero. This is typical to use permits or commercial developments. The plan also talks about adjustments. It increases the uses that would be permitted, but also restricts some uses. A PUD offers the most flexibility and is most compatible to surrounding land uses. As to development surrounding this property, to the south and west of 40th St. is residential. Antelope Creek and City park land is in the vicinity. The development plan calls out specific uses for those three lots. The northern lot will allow residential, office and retail. The retail would be limited to 7,500 square feet. The south lot would accommodate medical office. That would be the only use allowed on that lot. The third lot would be limited to office, garden sales, plant nursery or residential. There is no plan to allow access to either of the streets to the south, with the exception of Lot 3, if it is developed residentially.

Gaylor Baird questioned the note about a car wash. Will replied this would potentially be allowed on the north lot. 40th St. is an arterial street. When you have an arterial street adjacent to a development, you look at that as a boundary. It is a separation that makes the proposed uses acceptable.

Gaylor Baird would like Will to respond to comments about roads. Will noted the road connection will only be made if the south part develops into residential. He believes that is not an issue anymore.

Proponents

1. **Dick Campbell**, 6111 Chartwell Lane, appeared as the applicant and stated that his family has been in the nursery business for many years. His parents bought this in 1949 before the City was even there. As the City grew around, the garden center has always remained under a special conditional use. He plans to keep the garden center where it is at the present time. The main building was built in 1950. We think there is probably more modern construction that can be done. We haven't determined if it is best to keep it on that lot or move it to Lot 3. We don't even plan on broaching that topic at this time. 16,000 square foot of medical office would be allowed. There is currently a medical complex at 40th St. and Normal Blvd. Those tenants need more space. They are very excited about the possibility of moving here. It would be a one-story building. Campbell's will be landscaping and providing street trees. Letters were sent to all the neighbors before an application was even filed for this proposal. They went through everything with the neighbors and listed the comments and concerns. Two items were brought up. One concern had to do with any potential changes to home valuations. Campbell called Norm Agena and inquired if property values had historically changed when something like this is built. Agena replied it has never changed a valuation. The second item of concern was neighbors did not want 41st Street opened. They want it to remain closed. Antelope Creek Rd. won't open unless residential is built in the back part. Commercial traffic would be fed to 40th Street.

Corr commended the applicant for working with the neighbors and including them in the process.

Campbell stated that his sister and brothers were present today. They all grew up in the house and the neighborhood. It is still part of his family and they want to make sure it is handled that way.

2. **Sam Manzitto**, 9130 Sandhills Ct., spoke on behalf of Physician's Network. He has been working with the Campbell family. Part of their process in looking for a new location, was to stay in the same area and be able to expand. This would make an easy transition for their staff and patients.

Corr commended them as well. She is a big proponent of businesses that stay in the core. This makes a big difference for patients, especially for medical.

3. **Kent Seacrest**, Seacrest & Kalkowski, 1111 Lincoln Mall, appeared representing Campbell Farm and Land. There is an old house south of the present store. They are showing that when the three lots are created, there will be a new driveway system. It makes sense to line that new driveway up with Lake Street. They need a lane to come in, a lane to turn left and are proposing a right turn lane. When that is done, the house would touch the sidewalk. This is still conceptual. They will work with Public Works and Planning to try and get the driveway to work, and not be disastrous for the house. He

submitted a proposed amendment to the conditions of approval to which he believes staff is in agreement:

- 1.8 Show the common access easement widened enough to the satisfaction of the Director of the Planning Department and the Director of Public Works to allow for a 4' - wide sidewalk, tree planting area, 8' back from the curb on a 36' wide street and driveway or private roadway cross-sections consistent with Design Standards, and add a note which states that street trees shall be planted along its extent within the common access easement or on abutting private property subject to a public vegetation easement; provided that, modifications may be made to the Design Standards to accommodate the driveway or private roadway alignment with intersection of Lake Street and South 40th Street and the existing house (located on Lot 406 SW, Section 32, Township 10, Range 7, 6th Principal Meridian, Lincoln, Lancaster County, Nebraska) until such house is removed.

Seacrest stated that this amendment gives them more time to work with staff.

Support

1. **Richard Schneider**, 2433 S. 40th St., lives across from Campbell's Nursery. He has lived there since the 60's. He understands that nothing will be changed from the house to the creek.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

May 15, 2013

Lust moved to approve the staff recommendation of conditional approval with the amendment proposed by the applicant, seconded by Gaylor Baird.

Gaylor Baird stated that this is a fine example of increasing density in the core and clearly there has been great cooperation between the applicant and neighbors.

Motion for conditional approval with amendment carried 7-0: Gaylor Baird, Cornelius, Corr, Lust, Scheer, Weber and Hove voting 'yes'; Sunderman absent. This is a recommendation to the City Council.

USE PERMIT NO. 04005B

AN AMENDMENT TO ALLOW A MIXED USE BUILDING OF 6 DWELLING UNITS AND 5,000 SQ. FT. OF OFFICE SPACE, ON PROPERTY GENERALLY LOCATED AT NW 1ST STREET AND BARONS ROAD

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 15, 2013

Members present: Gaylor Baird, Cornelius, Corr, Lust, Scheer and Weber; Hove and Sunderman absent.

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

Staff presentation: **Tom Cajka of Planning staff** presented an email from Brooke Morse that cited concerns about added noise, traffic and air pollution from an additional six units. She also pointed out the safety of kids in day care south of here.

Cajka stated that this application is to amend an existing use permit to add six dwelling units or up to 5,000 square feet of office area. The area is zoned O-3 which allows single-family, duplex and townhomes. The original use permit only approved 30 dwelling units. One office pad site has already been built. The applicant is proposing six units and an office building. Apartments would be on the second floor with garages in the back. There would be a solid fence along the rear lot line. The applicant has agreed to have no balconies facing the existing single family.

Lust questioned if there is a difference in expected traffic between office, commercial and residential. Cajka replied that six apartment units is a small number. He doesn't believe traffic would be an issue.

Corr would like clarification that these buildings would only be two stories high. Cajka replied she was correct. There will be office on the first floor, in the front.

Hove wanted to know what is already approved. Cajka replied that today, this site is approved for a 5,000 square foot office building.

Proponents

1. DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, appeared on behalf of the applicant. Dave Johnson, Mike Eckert and Marcus Tooze are also in attendance today. This property is zoned O-3 and is subject to an existing use permit. This application will permit construction of a mixed use development, a live/work environment. The footprint will stay the same as the original use permit. It is their intent to construct a high quality building and add value to the neighborhood. The residential will access from the rear and have a single car garage. Balconies for residential will

come off the front. The drawing is shown as three stories, but will meet the height requirements. There will be some architectural relief to the back of the building. The building next door is a little more modern. It was built by the same owner. He would like this building to be in the same style.

The owner invited neighboring property owners to a meeting to review his plan. He wanted to hear the feedback. After the meeting, he made several adjustments to the plans to reflect concerns voiced by the neighbors. There will be no parking in back. All parking was removed from the rear. A six foot high privacy fence was added for additional screening. The owner also agreed to no balconies, or decks off the back. Finally, a commitment was made to maximize the green space. The additional dwelling units that are being requested are permitted in this zoning. This is a perfect opportunity to provide a mixed use, live/work environment. All proposed conditions are acceptable to the owner.

Lust is having a little trouble orienting herself to the front and rear. Kalkowski replied the front is the area facing N.W. 1st Street. Access will be from NW 1st Street. The front is oriented toward the parking lot. The rear faces the residential. The outlot to the north is a detention cell or green space area.

Corr sees the one stall parking garage around the back side. She assumes that most residents will have more than one vehicle. She is concerned if there is enough parking. Kalkowski replied they have to provide enough for the parking requirements. There will be no parking in back, it will have to come from the front.

Corr questioned how many neighbors attended the neighborhood meeting. Kalkowski believes there were about ten people in attendance. Three to four were from close proximity to this site. She heard concerns they were expecting office development. There was a presumption it would be office and 9:00 a.m. to 5:00 p.m., and no one would be there after hours. There is no guarantee that is what it would be. It is hard to hear concerns about residential people next to residential people. She believes most concerns were addressed.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

May 15, 2013

Lust moved to approve the staff recommendation of conditional approval, seconded by Scheer.

Lust stated that this looks like a good infill redevelopment. She is excited to see a new type of live/work arrangement, and is happy to move approval of this.

Corr agrees. With the mixed use, it will be fun to see how this works out.

Cornelius amplified the thought. This development embodies principles we put in the Comprehensive Plan. He is sympathetic to neighbor concerns of noise, but doesn't see a development that will create much noise.

Motion for conditional approval carried 6-0: Gaylor Baird, Cornelius, Corr, Lust, Scheer and Weber voting 'yes'; Hove and Sunderman absent. This is final action unless appealed to the City Council within 14 days.

TEXT AMENDMENT NO. 12031

AMENDING AND REORGANIZING CHAPTER 27.75 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE BOARD OF ZONING APPEALS

AND

TEXT AMENDMENT NO. 12034

AMENDING AND REORGANIZING ARTICLE 19 OF THE LANCASTER COUNTY ZONING RESOLUTION RELATING TO THE COUNTY BOARD OF ZONING APPEALS

PUBLIC HEARING BEFORE PLANNING COMMISSION: **May 15, 2013**

Members present: Gaylor Baird, Cornelius, Corr, Lust, Scheer and Weber; Hove and Sunderman absent.

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff presentation: **Brian Will of Planning staff** stated that this application may sound like a lot, but really it is just a couple of changes. There are two boards, one for the City and one for the County. Both function pretty much alike and regulations that govern them are pretty much alike, but they are two separate boards. There have been a few concerns or issues over time that staff is trying to address today. He would characterize the changes as two things. One is procedurally relating to how an individual gets their application to the Board of Zoning Appeals, and the types of applications that are received. Today, in order for an application to get to the board, you need a denial from the Director of Building and Safety. That denial serves as the basis for applying for a variance. The first significant change is that process will be modified. You won't need a formal denial. You can apply directly to the Planning Dept. and the application will be forwarded to the Board of Zoning Appeals. Staff believes this makes better sense. The second set of changes relate to terminology. Everything that goes to the board is considered an appeal. The statutes also talk about variances for exceptions. Beyond that, there are no real changes. The exception is that for appeals, the intent for making the distinction is the nature of the two is different. There are changes that include a slightly different notice process. In the end, the changes aren't going to be noticed by the average person. He believes the process will be simpler.

Sara Hartzell of Planning staff explained that another thing that this does is align the language between the City and County Board of Zoning Appeals. It helps to have things more coordinated. There are some slight differences for a city of primary class and the county.

Cornelius is interested in the distinction between an appeal and a variance.

Tim Sieh from City Attorney explained the distinction. A variance is some type of relief that is being requested from the strict application of the zoning ordinance; height, area, etc. With regard to an appeal, you would appeal a decision of an official in the City or County. For example, an official would inspect a property and find that a use doesn't conform with the zoning of the area. A property might appeal to have their use approved and say the official was wrong.

There was no testimony in support or opposition.

TEXT AMENDMENT NO. 12031

ACTION BY PLANNING COMMISSION:

May 15, 2013

Lust moved approval, seconded by Scheer.

Corr believes it is a good idea to make the City and County similar.

Gaylor Baird stated that it is nice to see the timeline reduced, and make the process more streamlined and customer friendly.

Motion carried 6-0: Gaylor Baird, Cornelius, Corr, Lust, Scheer and Weber voting 'yes'; Hove and Sunderman absent. This is a recommendation to the City Council.

TEXT AMENDMENT NO. 12034

ACTION BY PLANNING COMMISSION:

May 15, 2013

Lust moved approval, seconded by Corr.

Lust has been very pleased by the number of times staff has come forward with proposals to make things easier for the public and this is another great example of the hard work they do to continually make things better and easier for an applicant and she appreciates it.

Gaylor Baird and Cornelius agreed .

Motion for approval carried 6-0: Gaylor Baird, Cornelius, Corr, Lust, Scheer and Weber voting 'yes'; Hove and Sunderman absent. This is a recommendation to the Lancaster County Board.

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SPECIAL PRESENTATION REMOVING BARRIERS AND MAKING PLACES

Marvin Krout, Planning Director, stated that he just gave a presentation to the local chapter of American Institute of Architects on this topic. He has a huge batch of ideas that he wants to talk about. They all deal with the zoning ordinance. One thing the Planning Dept. did in his first five years with the City of Lincoln was a review of the Downtown Master Plan. There has been strong development in the downtown and core areas. There are opportunities for areas such as 40th St. and Normal Blvd., a lot of the travel corridors, places like East Park Shopping Center, and areas further out. He wants to create incentives and remove barriers.

The second new ingredient is Placemaking. There is an increasing market for aging boomers and more varieties of lifestyles are needed. The plan focuses on mixed use. He has been noticing that the idea of mixed use centers is something that a lot of cities have begun to understand as an economic development tool. There are examples in suburban areas, midtown and around the country where this is seen as an additional layer to a strong neighborhood. Lincoln should have an ordinance that is better prepared to respond to a kind of redevelopment that is likely to happen.

There are four goals – removing barriers, reestablish a sense of place in our commercial centers, reinforce landscape screening requirements and realign the zoning map to the districts to reflect the development goals.

Remove zoning barriers.

Objective A: relax height and setback requirements. There should be some adjustment if you want to encourage development. Relax setback requirements in “Corridors” to encourage more street front development. Establish a transitional edge. Take alleys into consideration toward setback requirements. There are lots of way to provide for waivers.

Objective B: revise parking standards. Expand shared parking provisions, revise parking standards administratively. Credit for on street parking toward required parking. Increase off site parking options for some commercial districts. Reduce required parking in B-5 to 1 space per 300 square feet of commercial space.

Objective C: streamline to project review processes. Allow for new use permits to be approved administratively. Convert all special permits for Planned Service Commercial into Use Permits.

Corr left.

Objective D: apply PUD tool to smaller development sites. Allow PUDs to use adjacent right-of-way in calculating area. Allow residential uses on first floor of commercial. Allow residential uses in H-2 and H-4 by special permit.

Objective E: allow more opportunities for residential uses in commercial zoning. Establish accessory dwelling units as conditional use in R-1, R-2, R-3 and R-4.

Objective F: expand options for residential infill. Eliminate penalty provisions limiting density for smaller sites. Allow for ½ to 1 acre CUP for single family lots.

Re-establish a sense of place in our commercial center.

Design Standards aren't new for Lincoln. In the outlying areas, there has not always been a lot of success. Fallbrook is a good example. It should be consistent.

Objective A: establish design standards to encourage commercial and mixed use developments that are attractive, pedestrian oriented and enhance nearby neighborhoods. Establish standards to make more neighborhoods more walkable. Create building design standards to make development more aesthetically pleasing.

Weber left.

Reinforce landscape and screening standards.

Provide better enforcement of existing landscaping and screening standards. Require street trees at time of building permit. Require more parking lot trees. Screen parking areas and motorized vehicles on display. Enhance buffers between incompatible uses. Require solid fencing plus dense landscaping.

Realign zoning map with development goals.

Objective A: consolidate similar zoning districts to align with desired design context. Consolidate B-1 into B-3. Consolidate H-1 into H-3.

Objective B: rezone properties to align with desired design context. Rezone H-3 to H-2 where there are abutting residential neighborhoods. Rezone H-2 to H-3 where it is not abutting residential neighborhoods. Rezone I-1 to H-2 where it has redevelopment potential and is near residential. Rezone some H-4 to H-3.

Krout stated that there is a lot of zoning involved to make these design standards work. This is a big package. The Planning Dept. has offered to have meetings with various groups such as neighborhood groups, business groups and the neighborhood roundtable. Staff will go out and see if there is enough feedback to merit continuing the dialogue. Then, this would move to a committee structure. This is all about the zoning ordinance. He feels that at some point in the future, Planning Commission needs to be in the middle of this. Staff is willing to take the time that is needed to vent the ideas. They hope to reach a consensus in six to eight months.

There being no further business, the meeting was adjourned at 3:05 p.m.

This presentation to the Planning Commission was videotaped and can be viewed on the City's webpage, under "video on demand", at

<http://lincoln.ne.gov/city/mayor/cic/5citytv/vod/vod-current.htm#plan>.

A written report describing these proposals in more detail, titled

"Zoning reFORMs for a New Chapter of City Building",

is posted on the Planning Department's web page, at

<http://lincoln.ne.gov/city/plan/long/reform/reform.htm>.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on May 29, 2013.